

Joint Acquisition Task Force

Frequently Asked Questions (FAQs)



Below are a compilation of frequently asked questions (FAQs) the DoD's COVID-19 Joint Acquisition Task Force (JATF) has received over the course of its existence. The FAQs are organized by topic and will be updated as appropriate.

JATF Background and General Information

When was the JATF created?

- The JATF was created by Under Secretary of Defense for Acquisition and Sustainment, Ms. Ellen Lord, on March 25, 2020.

Why was the JATF created?

- The JATF was created to serve as the single-entry point to the DoD acquisition enterprise, in support of the Federal Emergency Management Agency (FEMA) and the Department of Health and Human Services' (HHS) COVID-19 response efforts. At the start of the public health emergency, the JATF focused on the interagency's immediate response to the national health crisis, by quickly procuring critical medical resources on behalf of HHS and FEMA. Procurement of end items supported both FEMA's efforts to provide resources across the country as well as HHS' efforts to replenish the Strategic National Stockpile (SNS). As the response efforts evolved over the course of the COVID-19 pandemic, the JATF has shifted its focus to expanding the domestic industrial base for critical medical resources.

How is the JATF organized?

- The JATF is organized by product line, based on the critical medical resources prioritized by the Department of Health and Human Services. As of August 2020, the JATF product lines include masks (N95 and surgical), personal protective equipment (PPE), screening and diagnostic capabilities, pharmaceuticals, and vaccine delivery.

How does the JATF know what to work on or prioritize?

- HHS determines the requirements, and the JATF provides assisted acquisition for end items and/or industrial base expansion efforts based on HHS' requirements. The JATF may post solicitations to industry, but all requests to industry are based on HHS' requirements. All contract awards made by the JATF are on behalf of and done in direct coordination with HHS.

How does the JATF use money from the Coronavirus Aid, Relief, and Economic Security (CARES) Act?

- On March 27, 2020 the CARES Act was signed and provided authorities and resources to HHS to invest in domestic industrial base expansion for COVID-19 response.
- Under the Economy Act, which authorizes federal agencies to order goods and services from other federal agencies, DoD has been providing assisted acquisition to HHS to acquire critical medical resources and expand domestic industrial base capacity and for medical resources to address the critical shortfalls identified during this public health emergency.
- The JATF has led the engagement with HHS since March 25, and the collaboration directly supports HHS' Strategic National Stockpile (SNS) replenishment and modernization strategy, as well as builds long-term domestic capacity for critical medical resources for next public health crisis.

Joint Acquisition Task Force

Frequently Asked Questions (FAQs)



When discussing masks, is the DoD only talking about ASTM Level 1 and up? Is there a need for cloth masks in the discussion of PPE?

- When referencing masks, the DoD is focused on ASTM Level 1 and up, following both DoD and HHS requirements. There is currently no requirement for cloth masks.

I heard the JATF had posted requests for proposals, but I can't find them anywhere. Are there currently any open requests for proposals from industry?

- Throughout the COVID-19 public health emergency, the JATF has provided assisted acquisition support to HHS. As part of that support, the JATF has used an industry portal and a Commercial Solutions Opening to solicit concepts from industry in support of domestic industrial capacity for COVID-19 response priorities, as outlined by HHS.
- Currently, DoD is not supporting a specific requirement from HHS for assisted acquisition. We encourage companies to monitor the HHS Broad Agency Announcement website (<https://www.phe.gov/ASPRNext/Pages/default.aspx>) and beta.SAM.gov for ongoing government requirements.

The Defense Production Act (DPA)

What is the Defense Production Act?

- The Defense Production Act (DPA), enacted in 1950 and last renewed in 2018, provides the President a broad set of authorities to ensure the timely availability of domestic industrial resources essential to national defense. The authorities can be used across the federal government to shape the domestic industrial base so that, when needed, essential materials and goods are available to support national defense and homeland security requirements.

What is DPA Title III? Are there other titles within DPA?

- There are three active titles in use today within the Defense Production Act:
 - DPA Title I includes the priorities and allocation system, of which Defense Priorities and Allocation System (DPAS) is one of the regulations. DPAS, a regulation administered by the Department of Commerce, allows the President to require persons (including businesses and corporations) to prioritize contracts and orders for materials and services that are industrial resources. DoD has authority under the DPAS to place priority ratings on DoD contracts and orders; there are two types of ratings: a "DO" and "DX," the latter being a higher priority and used on a very small number of programs.
 - The Department of Health and Human Services (HHS) has Title I authority for health resources. HHS' DPA Title I authority was reaffirmed when the President issued Executive Order 13909 on March 18, 2020.
 - Authorities under Title III of the DPA provide a means to partner with industry to strengthen commercial domestic industrial base capabilities essential to national defense. Under Title III authorities, the government may provide to industry economic incentives including purchases (e.g. material, products, capital equipment etc.), purchase commitments, loans and other mechanisms to "develop, maintain, modernize, restore, and expand the productive capacities of domestic sources for critical components, critical technology items, materials, and industrial resources essential for the execution of the national security strategy of the United States."

Joint Acquisition Task Force

Frequently Asked Questions (FAQs)



- DPA Title VII provides an array of authorities including hiring subject matter experts and civilian executives for Federal Government service, review of foreign investment in the United States, and providing for voluntary agreements among industry with protection from criminal or civil antitrust proceedings.

How is the Defense Production Act being used for COVID-19 response?

- As part of the National response to COVID-19, the DoD, in coordination with HHS and FEMA, utilized DPA Title III authorities to increase the domestic productive capacity for essential medical resources. Since April 2020, DoD has also utilized DPA Title III authorities to sustain and strengthen the domestic defense industrial base adversely impacted by COVID-19 and on whose resiliency and security DoD depends for national security. More information about DoD's use of DPA Title III can be found here: <https://www.businessdefense.gov/DPA-Title-III/Opportunities/>.

American Manufacturing of Medical Resources

There seems to be a focus on procuring American made medical resources, but it also appears we buy a lot of medical items from foreign suppliers. Are Berry Amendment and Buy American requirements being waived during this time? And is the government doing anything to address our reliance on foreign suppliers?

- Federal agencies are waiving Berry Amendment and Buy American requirements in cases where there is no domestic source for the item being procured, which applies to many types of medical resources. This has been necessary in order to get critical items to the areas of most need throughout this public health crisis.
- The goal of the JATF and HHS' industrial base expansion efforts is to address the lack of American producers by making investments to expand domestic capacity, so in the future we are less reliant on non-American suppliers.
- As of August 24, 2020, DoD has invested \$628M in the domestic industrial base for medical resources, leveraging both DPA Title III and HHS CARES Act funding.

How does the Berry Amendment, Buy American Statute, and Trade Agreements Act impact DoD solicitations?

- The Berry Amendment ([USC, Title 10, Section 2533a](#)), requires the DoD to give preference in procurement to domestically produced, manufactured, or home grown products, most notably food, clothing, fabrics, and specialty metals. Congress originally passed domestic source restrictions as part of the Fifth Supplemental DoD Appropriations Act of 1941 in order to protect the domestic industrial base in the time of war. It was made permanent in 1993, then added to the United States Code in 2002. For more information visit: <http://acqnotes.com/acqnote/careerfields/berry-amendment>.
- The Buy American Statute was passed in 1933 and restricts the purchase of supplies that are not domestic end products. It applies to all U.S. federal government agency purchases of goods valued over the purchase threshold, but does not apply to services. Under the Act, all goods for public use (articles, materials, or supplies) must be produced in the U.S., and manufactured items must be manufactured in the U.S. from U.S. materials. For more information visit: [http://acqnotes.com/acqnote/careerfields/buy-american-act#:~:text=The%20Buy%20American%20Act%20\(BAA,does%20not%20apply%20to%20services](http://acqnotes.com/acqnote/careerfields/buy-american-act#:~:text=The%20Buy%20American%20Act%20(BAA,does%20not%20apply%20to%20services).
- The Trade Agreements Act of 1979 is part of the Federal Acquisition Regulations (FAR) and applies to all federal agencies. More information on the Trade Agreements Act applicability to DoD can be found here: https://www.acq.osd.mil/dpap/dars/dfars/html/current/225_4.htm.

Joint Acquisition Task Force

Frequently Asked Questions (FAQs)



- The Trade Agreements Act section in the FAR is located here:
<https://www.acquisition.gov/content/52225-5-trade-agreements#i1053648>.

Are Canada and Mexico included under the Berry Amendment?

- No, Canada and Mexico are not included under the Berry Amendment.

If there is a small percentage of raw materials included in a manufactured product that is not produced domestically, can the product still be compliant with the Berry Amendment?

- No; the entire product must be made domestically (from raw material to final end-item) in order to be compliant with the Berry Amendment. However, DoD can use a Domestic Non-Availability Determination (DNAD) to make purchases if it is determined that items grown, reprocessed, reused or produced in the United States cannot be acquired as and when needed in a satisfactory quality and sufficient quantity at U.S. market prices. Please visit https://www.acq.osd.mil/dpap/cpic/ic/berry_amendment_10_usc_2533a.html for more information.

How will the U.S. government and industry address the higher cost of American made goods in the long-run, as trade lines reopen and cheaper, foreign-made PPE items become available again?

- We are looking to industry to help us answer this question. The U.S. government is a small consumer in the overall PPE market, so government demand alone cannot sustain domestic production. We are engaging our industry partners, through organizations like the National Association of Manufacturers and the Healthcare Industry Distributors Association, to determine what we can collectively do (government and industry) to support long-term domestic production of PPE.

What type of support will the government provide for establishing raw material production in the U.S. (e.g. melt blown fiber; non-woven fabric)?

- The government is using the CARES Act to make investments in domestic manufacturing capabilities for both end-items as well as components, parts, and raw material. As an example, the JATF (on behalf of HHS) has invested \$18M as of August 24, 2020 in melt blown fiber producers – a critical material in N95 respirators, surgical masks, and ventilators. Investment in sub-tier and raw material suppliers is part of HHS' SNS replenishment and modernization strategy, which DoD supports.

The Defense Logistics Agency (DLA) and COVID-19 Support

Does DLA procure PPE for the Veterans Administration (VA)?

- No; DLA procurement of PPE is only for DoD use or for HHS' SNS. The VA manages their own PPE procurement process.

How does DLA determine recipients of PPE items from the SNS?

- DLA does not determine who receives PPE items from the SNS. DLA procures PPE as part of DoD's support to HHS, who manages the SNS. Once PPE is delivered to the SNS, HHS determines who receives PPE.

Why did the DLA change the requirement for gowns in their request for proposals (RFP)?

- The requirements for the initial RFP were provided by the Federal Emergency Management Agency's (FEMA) Supply Chain Task Force, based on what they saw as demand during the early days of the

Joint Acquisition Task Force

Frequently Asked Questions (FAQs)



COVID-19 pandemic. As the pandemic evolved, FEMA and HHS re-evaluated the need and determined that the gown requirement needed to change, thus the prior RFP was cancelled and new RFPs with modified requirements were released.

Where can I find more information about the DLA gown solicitations?

- The gown solicitations posted to both Beta.Sam and DIBBS closed on August 3, 2020. You can review the FAQs for the solicitations on either website. We appreciate your continued interest in supporting the need to fulfill requirements for PPE. If you have additional questions about DLA's COVID-19 response efforts, please visit the [DLA Small Business website](#) or you can contact the following people:
 - DLA Office of Small Business Programs: 571-767-0192; DLAHQSmallBusiness@dla.mil
 - Mike McCall, Director of Small Business Office, DLA Troop Support (Michael.mccall@dla.mil)
 - Joann Gatica, Small Business Specialist (joann.gatica@dla.mil)

What is DLA's FedMall? Where can I find more information about FedMall?

- FedMall is the premier government e-commerce acquisition platform providing an optimal experience for customers which include the United States military services, federal, state and authorized local governmental agencies. Customers are able to quickly search and purchase items online whatever the need may be from anywhere.
- For more information, please visit <https://www.dla.mil/Info/FedMall/>.

Do I have to have a contract with the DoD to provide PPE on DLA's FedMall?

- No; any company that is registered in SAM can be a registered vendor in FedMall. For more information about how to be a supplier, visit <https://www.dla.mil/Info/FedMall/FedMallSuppliers/>.

Do I have to have a contract with the DoD to buy PPE from FedMall?

- Yes; in order to access FedMall as a buyer, you must be a current contractor with DoD. Find out more information about being a consumer on FedMall here <https://www.dla.mil/Info/FedMall/FedMallBuyers/>.

Working with the Federal Government

Is there any discussion with the Food and Drug Administration (FDA) on how to help with the backlog of pending Emergency Use Authorizations and/or 510(k) approvals?

- Yes, all of the federal agencies involved in COVID-19 response are working together to support domestic efforts. DoD, HHS, and the Veterans Administration (VA) have made the FDA aware of the need for companies to receive Emergency Use Authorizations and/or 510(k) approvals in order to meet our requirements, and the FDA is working hard to get those approvals done.

Where can I find more information about doing business with the VA?

- How to do business with VA: <https://www.va.gov/osdbu/library/dbwva.asp>.

What are the requirements to work with the VA?

- Register with System for Award Management (SAM); register with Dun & Bradstreet to obtain a D-U-N-S Number; know your North American Industry Classification System (NAICS) Codes.

Joint Acquisition Task Force

Frequently Asked Questions (FAQs)



If my company is not veteran-owned, should I still pursue work with the VA?

- Yes; if you are a domestic producer of medical resources, the VA is very interested in working with you.

I am new to doing business with the federal government. Where do I start?

- Identify your product or service: <https://www.dla.mil/HQ/LogisticsOperations/Services/FIC/H2/> and <https://www.acquisition.gov/psc-manual>
- Determine your appropriate Commercial & Government Entity Code (CAGE) (<https://cage.dla.mil/>) and North American Industry Classification Code (NAICS) (www.census.gov/eos/www/naics).
- Obtain a DUNS Number by visiting or fedgov.dnb.com/webform/ or calling 866-705-5711.
- Register your Business with the System for Award Management (SAM): www.sam.gov.
- Look for contracting opportunities on the following sites: <https://beta.sam.gov/>; www.usaspending.gov; <https://www.dibbs.bsm.dla.mil/>.
- Determine if you qualify as a small business by reviewing the Small Business Administration (SBA) Size Standard: www.sba.gov/category/navigation-structure/contracting/contracting-officials/eligibility-size-standards.
- If you are a small business, we encourage you to reach out to the respective small business offices for each DoD Service/Agency, which are provided at <https://business.defense.gov/Small-Business/DoD-Small-Business-Offices/>.

Are there small business targets for the government?

- Yes, there are small business targets for the government; 23% of federal procurements must be awarded to small businesses. As the largest buyer, DoD has its own set of small business goals; more information on the DoD's small business goals can be found here: <https://business.defense.gov/About/Goals-and-Performance/>.

When submitting a proposal, what is typically required to establish compliance with medical standards for PPE?

- Instructions regarding compliance and testing certification is included in each solicitation and will vary based on the federal agency making the solicitation. Please refer to the solicitation to which you are responding for the requirements and documentation necessary.